

# EXHIBIT I

October 10, 2017

STATE OF MICHIGAN  
IN THE LENAWEЕ COUNTY CIRCUIT COURT

JAMES MICHAEL BERRYMAN, )  
 )  
Petitioner, )  
 )  
v. ) Case No. 17-44270-PH  
 )  
WENDELL MACKEY, )  
 )  
Respondent. )

VIDEOTAPED HEARING - VOLUME III OF III  
BEFORE THE HONORABLE PATRICK J. CONLIN, JR.

Washtenaw County Trial Court  
Ann Arbor, Michigan - Tuesday, October 10, 2017

APPEARANCES:

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1 COURT'S RULING

2 THE COURT: So this is certainly an unusual  
3 case, which is why it came to Washtenaw County.  
4 Technically, very interesting. Personally, having been  
5 through a campaign, I understand both of your positions  
6 in this. However, that's not really kind of -- that's  
7 not my inquiry. My inquiry is to whether or not there  
8 has been a pattern of behavior, communication, contact  
9 that a reasonable person would take as threatening.

10 So I do find that there's cause to maintain the  
11 personal protection order. I am, however, going to  
12 modify it.

13 Just to put it on the record, although the  
14 lengthy social media reporting posts about Mr. Berryman's  
15 political dealings and/or his history in the community  
16 may, in fact, be a framework, I think, for how he may  
17 feel singled out, I've already stated, I believe, on the  
18 record during prior testimony, that alone that would not  
19 have been cause for me to issue a PPO. But I think that  
20 gets to a reasonable person question in whether or not he  
21 personally felt threatened based on other actions.

22 However, I do believe that the June 18th [sic],  
23 I think is the date of the public meeting, whereby  
24 Mr. Mackey identified that Mr. Berryman was the reason,  
25 along with Judge Glaser, that he went to prison, and

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1 even subsequent in the commentary, that, "I will remain a  
2 thorn in your side," I've already told you that that was  
3 the most concerning thing that I heard in terms of the  
4 statements made; and that, to me, I do believe was  
5 something that a reasonable person could feel  
6 threatened by.

7 Moving forward in a timeline, there were two  
8 other instances that caused me concern. While I would  
9 agree, Mr. Mackey, that the e-mail from July 3rd was  
10 tedious in its analysis of Robert's Rules of Order, I do,  
11 in my review of that e-mail, would note that all of the  
12 criticism about the misappropriation or misuse of the  
13 parliamentary procedure was identified as Mr. Berryman's  
14 fault. So I do also feel that in conjunction with the  
15 statements at the meeting from June 18th, that that  
16 e-mail would continue or perpetuate Mayor Berryman's  
17 concern about personal matters being transcended from the  
18 political stage. So I do think that also is a further  
19 indication close in time that there was behavior that  
20 Mr. Berryman could have felt threatened by.

21 And then we get into what -- This is a little  
22 bit without statutory analysis. But the July 8th e-mail  
23 is equally or more concerning to the Court. It has not  
24 been brought to my attention, or there's been no request  
25 to have that be a violation of a personal protection

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1 order, an order to show cause why you should not be held  
2 in contempt for violating a PPO, but the content of that  
3 July 8th e-mail is actually more concerning to me than  
4 the content of the July 3rd e-mail. But taken in  
5 conjunction with the statements made on June 18th, I do  
6 find that Mr. Berryman has a legitimate cause for  
7 concern.

8 So based on those instances, I am maintaining  
9 the personal protection order. I am modifying it  
10 accordingly. I'm actually not reading from the first  
11 one, so I'm just going to state, in a way, that I've  
12 modified it, that I believe would accomplish your  
13 political candidacy.

14 So you are restricted from following  
15 Mr. Berryman.

16 You are restricted from appearing at his  
17 residence.

18 You are restricted from confronting him in a  
19 public place or on private property. I will put on the  
20 record specifically, because I didn't know how to  
21 actually do this, that does not restrict your ability to  
22 confront him in the context of public speech and/or  
23 debate, but you are restricted from going up to him and  
24 confronting him. So if there's further question of  
25 enforcement, I'm just putting on the record what I'm

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1 intending by that.

2 You are restricted from entering onto or  
3 remaining on property owned or leased by Mr. Berryman.

4 You are restricted from sending mail or other  
5 communications directly to him. I will note for the  
6 record that both the June -- or July 3rd and the July 8th  
7 e-mails were sent to the city attorney. I would not  
8 find -- I'm specifically not prohibiting you from  
9 contacting other people, but have contact with  
10 Mr. Berryman, but just not directly sending an e-mail or  
11 communication to him.

12 I'm not restricting you from contacting him by  
13 telephone. I don't know how -- why you would need to,  
14 but perhaps in the political process there's a reason to  
15 do that.

16 I am restricting you from placing an object or  
17 delivering an object to any property owned, leased, or  
18 occupied by him.

19 I am restricting you from threatening to kill  
20 or physically injure him, or possessing or purchasing a  
21 firearm.

22 I did, as I've noted earlier, that in  
23 maintaining a personal protection order, I have -- in  
24 addition to the other modifications in trying to tailor  
25 this specifically, I did remove the B checkbox, "Posting

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1 a message through the use of medium of communication,  
2 including an internet or computer or electronic medium,  
3 pursuant to statute."

4 Again, I'm just going to be as clear as I can  
5 on the record, that should an incident arise where  
6 personal matters are brought up about Mr. Berryman  
7 outside the context of his position as mayor, I would  
8 potentially review this for modification. I don't expect  
9 that to happen, but I just want -- since I'm trying to  
10 clarify this as much as possible, that's what I'm  
11 intending, is to allow you to continue to campaign and do  
12 what you need to do, but not any further personal  
13 threatening behavior.

14 So that concludes the hearing today. I have  
15 copies of these for you. We will mail the original and  
16 the order allowing Mr. Haddad's withdrawal to Lenawee  
17 County Clerk.

18 You know, Washtenaw County has no -- we don't  
19 have anything. We don't have a file for this. So in the  
20 event either party wishes to appeal this, any exhibits or  
21 anything that has been presented and accepted need to  
22 actually be filed with the Lenawee County Clerk, not the  
23 Washtenaw County clerk. Okay?

24 MR. SMITH: Thank you.

25 MR. MACKEY: Can I ask one point of